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Paper 454
REDECLARED: 12 October 2012

UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT TRIAL AND APPEAL BOARD

Patent Interference No. 105,754 (RT)

COMMONWEALTH SCIENTIFIC AND
INDUSTRIAL RESEARCH ORGANISATION
and Bayer BioScience N.V.
(11/364,183),
Junior Party,

v.

CARNEGIE INSTITUTION OF WASHINGTON
and the University of Massachusetts
(6,506,559; 7,538,095 & 7,622,633),
Senior Party.

REDECLARATION
Bd.R. 203(c)

By RICHARD TORCZON, *Administrative Patent Judge*.

A. DECLARATION OF INTERFERENCE

This interference is redeclared to reflect a decision on motions
changing the claims corresponding to the count.¹

¹ Paper 453.

Claims 52-67 and 69-106 of the junior party (CSIRO) have been held to be barred under 35 U.S.C. 135(b)(1). CSIRO claims 39, 41-44, 46-51 and 68 (the other pending CSIRO claims) have been held not to correspond to the count.

B. COUNTS AND CLAIMS OF THE PARTIES

Count 1

(Unchanged) The method of application 11/364,183 claim 52² or patent 6,506,559 claim 7.

The claims of the parties are:

CSIRO: 39, 41-44 and 46-106
Carnegie: '559-1-22
'095-1-15
'633-1-3

The claims corresponding to Count 1:

CSIRO: 52-67 and 69-106
Carnegie: '559-1-5, 7, 10 and 11
'095-1, 3, 6, 8, 11 and 13
'633-all

The claims not corresponding to Count 1:

CSIRO: 39, 41-44, 46-51 and 68
Carnegie: '559-6, 8, 9 and 12-22
'095-2, 4, 5, 7, 9, 10, 12, 14 and 15
'633-none

² Claim 52 is one of the barred CSIRO claims.

The benefit accorded for Count 1:

CSIRO: 11/364,183, filed 1 March 2006;
10/755,328, filed 13 January 2004;
10/282,996, filed 30 October 2002;
09/287,632, filed 7 April 1999;
60/198,254, filed 3 August 1998; and
60/198,240, filed 8 April 1998

Carnegie: 10/283,267, filed 30 October 2002;
09/215,257, filed 18 December 1998; and
60/068,562, filed 23 December 1997

Attachment: None.

cc:

TODD R. WALTERS and CHRISTOPHER L. NORTH, Buchanan Ingersoll & Rooney PC, of Alexandria, Virginia, for junior party.

TODD B. BUCK and W. JACKSON MATNEY, JR., Morgan, Lewis & Bockius LLP, of Washington, D.C., for senior party.